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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,673	02/07/2002	Michael Cronin	M. CRONIN 1-1-1-1-1	4027

47396 7590 11/01/2005

HITT GAINES, PC
AGERE SYSTEMS INC.
PO BOX 832570
RICHARDSON, TX 75083

EXAMINER	
KIM, WESLEY LEO	
ART UNIT	**PAPER NUMBER**
2688	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/071,673	CRONIN ET AL.	
	Examiner	Art Unit	
	Wesley L. Kim	2688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 August 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 April 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claim 1,2,5,13,15,17 rejected under 35 U.S.C. 103(a) as being unpatentable over Mukari (U.S. Patent 5315638) in view of Birgerson (U.S. Patent 6138009).

Regarding Claim 1, 13, Mukari teaches an interface unit configured to download user interface data (Col.1;22-34, there must exists a user interface to download user interface data, i.e. data which are prerequisites for the use of the mobile telephone, from a programming apparatus, i.e. personal computer, to the mobile telephone) from an external data source (i.e. personal computer) in a production environment after a manufacturing phase of said mobile phone (Col.1;15-30), however the combination **is silent on** said user interface data configured to provide an interface for a user of said mobile phone; a digital memory configured to store said user interface data and run-time software installed during said manufacturing phase, said run-time software configured to employ said user interface data to tailor said mobile phone for a specific market.

Mukari teaches user interface data (i.e. data which are prerequisites for the use of the mobile telephone) and operating software (i.e. run-time software) (Col.1;60-65).

Birgerson teaches said user interface data configured to provide an interface for a user of said mobile phone (Col.7;1-10, data regarding language is configured for a specific country/region to provide an communicative interface between the user and the mobile phone); a digital memory configured to store said user interface data and run-time software installed during said manufacturing phase (Col.10;65-67, EEPROM is basic storage means and Col.11;21-23, stores downloaded software, to one of ordinary skill in the art, it is obvious that the basic storage means can hold run-time software and user interface data); said run-time software (i.e. operating system) configured to employ said user interface data (Col.7;3-8, obvious that an operating system is responsible for employing user interface data i.e. data regarding language is user interface data) to tailor said mobile phone for a specific market (Col.7;1-8, phone is tailored for specific country or region, i.e. market).

To one of ordinary skill in the art it would have been obvious to modify Mukari with Birgerson, since they are both from the same search areas, viz. programming a mobile phone before distribution to a consumer, such that user interface data is configured to provide an interface for a user of said mobile phone; a digital memory is configured to store said user interface data and run-time software is installed during said manufacturing phase, said run-time software is configured to employ said user interface data to tailor said mobile phone for a specific market, to provide a method of producing a market adapted telephone which fulfills the needs and implementations of the consumer.

With further regards to Claim 13, Mukari teaches an external data source located in a mobile phone production environment (Col.1;24-30).

Regarding Claim 2, the combination as discussed above teaches all the limitations as recited in claim 1, and Mukari further teaches fixed resources are stored in said digital memory during said manufacturing phase (Col.1;15-18, calling number of mobile phone is a fixed resource).

Regarding Claim 5 and 17, the combination as discussed above teaches all the limitations as recited in claim 1 and 13, and Birgerson teaches said production environment is a mobile phone manufacturer (Col.6;63-65).

Regarding Claim 15, the combination as discussed above teaches all the limitations as recited in claim 13, and Birgerson teaches the mobile communication system is a GSM communication system (Col.6;40-53).

2. Claim 3,11,14,19 rejected under 35 U.S.C. 103(a) as being unpatentable over Mukari (U.S. Patent 5315638) and Birgerson (U.S. Patent 6138009) in view of Hall et al (U.S. Pub 2001/0012281 A1).

Regarding Claim 3, Mukari and Birgerson teach all the limitations as recited in Claim 1 however the combination **is silent on** user interface data is downloaded with executable software.

Hall teaches of user interface data (Par.20; i.e. Java is user interface data) downloaded with executable software (Par.20; application software).

To one of ordinary skill in the art, it would have been obvious to modify Mukari and Birgerson with Hall, since they are from similar search areas, viz.

customization or configuration of a mobile phone, such that user interface data is downloaded with executable software, to provide a method of executing the executable software so that the user interface data may be implemented in the mobile phone.

Regarding Claim 11 and 19, Mukari and Birgerson teach all the limitations as recited in Claim 1 and 13, however the combination **is silent on** an internet interface for exchanging data with an internet service provider.

Hall teaches a mobile phone comprising an interface (Fig.1;12, antenna is the interface) capable of downloading applications (Par.13;10-16) stored in a database associated with an ISP (Col.14;18-22).

It would have been obvious to one of ordinary skill in the art to modify Mukari and Birgerson, such that the mobile phone has an interface for exchanging data with an internet service provider, so that the mobile phone may download applications from an ISP to customize the display and "look and feel" of the mobile phone.

Regarding Claim 14, Mukari and Birgerson teach all the limitations as recited in claim 13, however the combination **is silent on** the external base station is a base transceiving station of a mobile communication system.

Halonen further teaches that the external data source is a base transceiving station of a mobile communication system (Fig.2;30).

It would have been obvious to one of ordinary skill in the art to modify Mukari and Birgerson, such that the external base station is a base transceiving

station of a mobile communication system, to provide a method of implementing an air interface standard to download new or upgrade new programs as updated in the cellular network.

3. Claim 21 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Mukari (U.S. Patent 5315638) in view of Birgerson (U.S. Patent 6138009) and Hall et al (U.S. Pub 2001/0012281 A1).

Regarding Claim 21, Mukari teaches an interface unit configured to download user interface data (Col.1;22-34, there must exists a user interface to download user interface data, i.e. data which are prerequisites for the use of the mobile telephone, from a programming apparatus, i.e. personal computer, to the mobile telephone) from an external data source (i.e. personal computer) in a production environment after a manufacturing phase of said mobile phone (Col.1;15-30), however the combination **is silent on** an end user tool that facilitates a transfer of user interface data from said external data source; said user interface data configured to provide an interface for a user of said mobile phone; a digital memory configured to store said user interface data and run-time software installed during said manufacturing phase, said run-time software configured to employ said user interface data to tailor said mobile phone for a specific market.

Mukari teaches user interface data (i.e. data which are prerequisites for the use of the mobile telephone) and operating software (i.e. run-time software) (Col.1;60-65).

Birgerson teaches said user interface data configured to provide an interface for a user of said mobile phone (Col.7;1-10, data regarding language is configured for a specific country/region to provide an communicative interface between the user and the mobile phone); a digital memory configured to store said user interface data and run-time software installed during said manufacturing phase (Col.10;65-67, EEPROM is basic storage means and Col.11;21-23, stores downloaded software, to one of ordinary skill in the art, it is obvious that the basic storage means can hold run-time software and user interface data); said run-time software (i.e. operating system) configured to employ said user interface data (Col.7;3-8, obvious that an operating system is responsible for employing user interface data i.e. data regarding language is user interface data) to tailor said mobile phone for a specific market (Col.7;1-8, phone is tailored for specific country or region, i.e. market).

Hall teaches that it is known in the art to use an end user tool that facilitates a transfer of user interface data from said external data source (Par.13;5-7, use of a computer to facilitate a transfer of data from said external data source);

To one of ordinary skill in the art it would have been obvious to modify Mukari with Birgerson and Hall, since they are from the similar search areas, viz. customization or configuration of a mobile phone, such that an end user tool that facilitates a transfer of user interface data from said external data source and user interface data is configured to provide an interface for a user of said mobile

phone; a digital memory is configured to store said user interface data and run-time software is installed during said manufacturing phase, said run-time software is configured to employ said user interface data to tailor said mobile phone for a specific market, to provide a method of producing a market adapted telephone which fulfills the needs and implementations of the consumer.

Regarding Claim 22, the combination as discussed above teach all the limitations as recited in claim 21, and Hall further teaches the end user tool to include a Resource Editor (Par.15).

4. Claim 4 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Mukari (U.S. Patent 5315638) and Birgerson (U.S. Patent 6138009) in further view of Lawrence et al (U.S. Patent 5086513).

Regarding Claim 4 and 18, Mukari and Birgerson teach all the limitations as recited in claim 1 and 13, however the combination **is silent on** said interface unit includes a connector configured to establish an electrical connection for said download.

Lawrence teaches the interface unit includes a connector configured to establish an electrical connection for said downloads (Abstract;1-5, Col.2;34-43, Col.5;5-19).

To one of ordinary skill it would have been obvious to modify, Mukari and Birgerson with Lawrence, since they are from similar search areas, viz. customization or configuration of a mobile phone, such that the interface unit includes a connector configured to establish an electrical connection for said

download, to provide a method of receiving "personality" defining data from an output port of a personal computer.

5. Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Mukari (U.S. Patent 5315638) and Birgerson (U.S. Patent 6138009) in further view of Knox (U.S. Patent 6301626 B1).

Regarding Claim 6, Mukari and Birgerson teaches all the limitations as recited in claim 1, however the combination **is silent on** a keyboard section wherein a layout thereof is defined by said downloaded user interface data.

Mukari does teach that user interface data is downloaded

Knox teaches that it is well known in the art to download a keyboard layout (i.e. interface data) (Col.4;55-62).

To one of ordinary skill in the art, it would have been obvious to modify Mukari and Birgerson, since they are from similar search areas, viz. customization or configuration of a computer (i.e. mobile phone), such that a keyboard section wherein a layout thereof is defined by said downloaded user interface data, to provide a method of loading a new or replacing an already loaded keyboard layout to accommodate different languages.

6. Claim 7,12, and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Mukari (U.S. Patent 5315638) and Birgerson (U.S. Patent 6138009) in further view of Peltonen (U.S. Patent 6393274 B1).

Regarding Claim 7, 12, and 20, Mukari and Birgerson teach all the limitations as recited in claim 1, however the combination **is silent on** a main

display including at least a section where dialogues or menus are displayed, said dialogues and said menus being provided by said downloaded user interface data.

Peltonen teaches a main display (Fig.9;20) which can obviously display dialogues or menus and Peltonen also teaches menus can be factory installed but more menus can be downloaded from a computer or internet site (Col.7;40-53).

To one of ordinary skill in the art, it would have been obvious to modify Mukari and Birgerson, such that a main display including at least a section where dialogues or menus are displayed, said dialogues and said menus being provided by said downloaded user interface data, to provide the user with an option to customize the "look and feel" of his/her mobile unit.

7. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Mukari (U.S. Patent 5315638), Birgerson (U.S. Patent 6138009), and Peltonen (U.S. Patent 6393274 B1) in further view of Goldstein (U.S. Patent 5410326).

Regarding Claim 8, Mukari, Birgerson, and Peltonen teach all the limitations as recited in Claim 7, however the combination **is silent on** the main display showing icons having associated functionality on a touch-screen area thereof wherein said icons and said associated functionality is provided by said downloaded user interface data.

Goldstein teaches of a remote control with a touch screen display displaying icons of functions to be selected (Abstract;5-10) and Goldstein also

teaches of downloading, the icons for whose services have been paid for, to the remote control (Col.18;19-22).

To one of ordinary skill in the art, it would have been obvious to modify Mukari and Birgerson, such that the main display showing icons having associated functionality on a touch-screen area thereof wherein said icons and said associated functionality is provided by said downloaded user interface data, to provide the user with an option to customize the "look and feel" of his/her mobile unit.

8. Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Mukari (U.S. Patent 5315638) and Birgerson (U.S. Patent 6138009) in further view of Halonen (U.S. Patent 5887254) and Valentine et al (U.S. Patent 6018654).

Regarding Claim 9, Mukari and Birgerson teach all the limitations as recited in Claim 1, however the combination **is silent on** a loudspeaker and an electronic circuitry connected thereto for driving said loudspeaker, said downloaded user interface data comprising melodies, speech messages or acoustic signals associated with functions of said mobile phone.

Halonen teaches a mobile phone comprising a loudspeaker and an electronic circuitry connected thereto for driving said loudspeaker (Fig.1;17 and Fig.1;18).

Valentine teaches the downloaded data to include tones, i.e. melodies, associated with functions of the phone (Abstract).

It would have been obvious to modify Mukari and Birgerson, such that a mobile phone has a loudspeaker and an electronic circuitry connected thereto for driving said loudspeaker, said downloaded user interface data comprising melodies, speech messages or acoustic signals associated with functions of said mobile phone, to provide an individual to select and download new tones to be used for different call scenarios.

9. Claim 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Mukari (U.S. Patent 5315638) and Birgerson (U.S. Patent 6138009) in further view of Hughes et al (U.S. Pub. 2001/0041568 A1).

Regarding Claim 10, Mukari and Birgerson teaches all the limitations as recited in claim 1, however the combination **is silent on** said user interface data includes a table of global information and said run-time software employs said global information to provide said interface.

Hughes teaches that a mobile phone has a table with information corresponding to countries (i.e. global information) (Par.18 and Par.19). It is obvious that some runtime software (Par.18;3-5) employs said global information to provide an interface and it is obvious that the information is loaded into the phone before a user starts to use the phone (i.e. at the warehouse).

To one of ordinary skill it would have been obvious to modify Mukari and Birgerson, such that user interface data includes a table of global information and said run-time software employs said global information to provide said interface,

to provide configuration of itself for use in individual countries or geographic regions.

10. Claim 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Mukari (U.S. Patent 5315638) and Birgerson (U.S. Patent 6138009) in further view of Halonen

Regarding Claim 16, Mukari and Birgerson teach all the limitations as recited in claim 13, however the combination **is silent on** the mobile communication system is a UMTS CDMA communication system.

Mukari teaches that the mobile communication system may be a GSM communication system (Col.6;40-53)

Halonen teaches a mobile can operate in any of a number of air interface standards (Col.3;25, GSM CDMA).

To one of ordinary skill in the art, it would have been obvious to modify Mukari and Birgerson, such that the mobile communication system is a UMTS CDMA communication system, since it is standard well known in the art for providing wireless communications services.

11. Claims 23 and 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Mukari (U.S. Patent 5315638), Birgerson (U.S. Patent 6138009), and Hall et al (U.S. Pub 2001/0012281 A1) in further view of Halonen (U.S. Patent 5887254).

Regarding Claim 23, Mukari, Birgerson, and Hall teach all the limitations as recited in claim 21, however the combination **is silent on** the external source is configured to download data employing a layered approach.

Halonen teaches external source is configured to download data employing a layered approach (Col.4;50-52, downloading a revised program to replace or add on to a previously existing program is a layered approach).

To one of ordinary skill in the art it would have been obvious to modify Mukari, Birgerson, and Hall, such that the external source is configured to download data employing a layered approach, to provide a method of improving upon existing data.

Regarding Claim 24, Mukari, Birgerson, and Hall teach all the limitations as recited in claim 21, however the combination **is silent on** said run-time software includes a Resource Loader that is configured to determine a compatibility of said downloaded user interface data and said run-time software.

Halonen teaches a run-time software (Col.3;50-55, operating program) including a Resource Loader (Col.5;35-40, download control program).

Halonen teaches that a given operating program will typically be specific to a particular type of mobile terminal (Col.6;31-34) so one of ordinary skill in the art would find it obvious that the download control program would determine that download data is compatible with the current run-time software.

To one of ordinary skill in the art, it would have been obvious to modify Mukari, Birgerson, and Hall, such that the said run-time software includes a Resource Loader that is configured to determine a compatibility of said downloaded user interface data and said run-time software, to provide a method

of preventing incompatible programs from crashing the run-time software of the mobile phone.

12. Claim 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Mukari (U.S. Patent 5315638), Birgerson (U.S. Patent 6138009), and Hall et al (U.S. Pub 2001/0012281 A1) in further view of Hughes et al (U.S. Pub. 2001/0041568 A1).

Regarding Claim 25, Mukari, Birgerson, and Hall teach all the limitations as recited in claim 21, however the combination **is silent on** said user interface data includes a table of global information and said run-time software employs said global information to provide said interface.

Hughes teaches that a mobile phone has a table with information corresponding to countries (i.e. global information) (Par.18 and Par.19). It is obvious that some runtime software (Par.18;3-5) employs said global information to provide an interface and it is obvious that the information is loaded into the phone before a user starts to use the phone (i.e. at the warehouse).

To one of ordinary skill it would have been obvious to modify Mukari, Birgerson, and Hall, such that user interface data includes a table of global information and said run-time software employs said global information to provide said interface, to provide configuration of itself for use in individual countries or geographic regions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesley L. Kim whose telephone number is 571-272-7867. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WLK

GEORGE ENG
PRIMARY EXAMINER